

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 4/24/02 Item 3.f.	
	File Number CP 01-10-090	
	Application Type Conditional Use Permit	
	Council District 3	
	Planning Area Central	
	Assessor's Parcel Number(s) 235-17-020	
PROJECT DESCRIPTION		
Completed by: Akoni Danielsen		
Location: Northwest corner of Horning and North 11th Streets (483 Horning Street)		
Gross Acreage: 0.38 Net Acreage: 0.38 Net Density: N/A		
Existing Zoning: LI Light Industrial Existing Use: vacant light industrial building		
Proposed Zoning: No Change Proposed Use: an adult vocational school providing skills training for persons with developmental disabilities		
GENERAL PLAN		
Completed by: AD		
Land Use/Transportation Diagram Designation Light Industrial		Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: AD		
North:	Light Industrial	LI Light Industrial
East:	Light Industrial	LI Light Industrial
South:	Light Industrial	LI Light Industrial
West:	Light Industrial	LI Light Industrial
ENVIRONMENTAL STATUS		
Completed by: AD		
<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration		<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		
Completed by: AD		
Annexation Title: Orchard No. 8		Date: November 1, 1951
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial <input type="checkbox"/> Uphold Director's Decision	Date:	Approved by: _____ <input type="checkbox"/> Action <input type="checkbox"/> Recommendation
APPLICANT/OWNER		
Bienvenido Castaneda 5970 Tuliptree Drive San Jose, CA 95123		

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Akoni Danielsen

Department of Public Works

See conditions of approval.

Other Departments and Agencies

See conditions of approval.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

This request is for a Conditional Use Permit (CUP) to allow an adult vocational school providing skills training for persons with developmental disabilities on a 0.14-gross acre site in the LI Light Industrial Zoning District located at the northwest corner of Horning and North 11th Streets (483 Horning Street).

A vocational school for developmentally disabled students is considered a form of a social service agency, and a social service agency is a conditional use in the LI Light Industrial Zoning District. A social service agency provides social services to advance the welfare of citizens in need. A social service agency may include supporting office uses, supporting medical office or clinic uses, supporting vocational or trade training, supporting personal services and/or a food and goods distribution facility.

The vocational school will use the existing industrial structure of approximately 6,927 sq.ft., and no exterior building changes or other site modifications are proposed. The building faces both 11th and Horning Streets, with a public entrance at the corner. A separate entrance exists on the north side of the building facing the parking lot. Thirteen parking spaces are provided in the lot, including an ADA accessible space, along with a van loading/unloading area for students.

The site is surrounded by light industrial uses to the north, east, south and west. A legal non-conforming residence is located immediately to the west of the site.

GENERAL PLAN CONFORMANCE

The proposal is consistent with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Light Industrial in that social service agencies are allowed in areas with the Light Industrial designation.

ENVIRONMENTAL REVIEW

The project was found to be exempt from environmental review under Section 15303(C) of the CEQA Guidelines, which exempts conversion of existing facilities.

PUBLIC OUTREACH

Public Notices of the Planning Commission hearing on the Conditional Use Permit were mailed to area residents and owners of property with 500 feet of the subject site. Staff has been available to discuss the project with the public.

ANALYSIS

The primary issues associated with this project are land use compatibility and the amount of parking provided.

Land Use Compatibility. The proposed vocational school should successfully coexist with the surrounding industrial land uses. The primary activities on the site will be in keeping with the light industrial character of the area as students will be learning job skills akin to the light industrial land uses in the vicinity. The vocational school will generate noise, dust, fumes, glare, etc. similar to typical light industrial uses that would otherwise occupy the site, and should neither generate excessive impacts to surrounding properties nor suffer from exposure to the industrial activities taking place on surrounding properties. If and when the vocational school vacates the site, the property and building will remain well suited to accommodate other light industrial uses permitted in the LI Light Industrial Zoning District.

Parking. For a trade or vocational school use, the Zoning Code requires one parking stall per each three students and one stall per staff. The existing parking lot includes 13 parking spaces, and the project proposes up to 13 staff. Students, due to their disability, are ineligible for driving licenses, and will instead be transported to and from the site via vans. The Zoning Code authorizes alternative parking arrangements to satisfy a project's parking demand, and staff supports the provision of shuttle vans in lieu of requiring parking stalls for students who can not drive. A student loading/unloading area has been designated in the parking lot for the vans. The applicant anticipates 40 students initially and up to 100 at full capacity, with students arriving in shifts for 2-4 hour training sessions.

RECOMMENDATION

Planning Staff recommends that the Planning Commission approve the Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Light Industrial on the adopted San Jose 2020 General Plan Land Use/Transportation Diagram.

2. The vocational school for developmentally disabled students is a form of a social service agency, and social service agencies are consistent with the Light Industrial land use designation.
3. The 0.38 acre site is located in the LI Light Industrial Zoning District.
4. The project site is developed with an existing light industrial building of approximately 6,927 sq. ft.
5. The project proposes a vocational school for up to 100 developmentally disabled students and up to 13 staff. The students would arrive in 2-4 hour shifts for independent living and job skills training.
6. No exterior changes are proposed to the structure or the property.
7. Thirteen parking spaces are provided for staff. Students, who can not drive, would arrive at the site via vans.
8. Under the provisions of Section 15303(C) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
9. The site is surrounded by light industrial uses to the north, east, south and west.

The Planning Commission concludes and finds based on an analysis of the above facts that:

1. The proposed project is consistent with the San Jose 2020 General Plan Land/Use Transportation Diagram designation of Light Industrial.
2. The proposed project is in compliance with the requirements of the California Environmental Quality Act.
3. The proposed use will be compatible with uses in the surrounding industrial district.
4. As conditioned in this Permit, the vocational school has adequate parking.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or

- c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.
4. The alternative parking arrangement is appropriate for the site, in that:
 - a. The number of off-street parking spaces provided in such parking facilities adequately meets the parking requirements of the users of the facility anticipated to drive to the site, including the vocational school staff;
 - b. It is reasonably certain that the shuttle vans for students shall continue to be provided for the service of the building or use for which such facility is required, during the life of the building or use; and
 - c. The parking facility is reasonably convenient and accessible to the buildings or uses to be served.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
3. **Conformance with Plans.** Construction and development shall conform to approved Planned Development Plans entitled, "Conditional Use Permit, 483 Horning Street" dated January 15, 2002 on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
4. **Sign Approval.** No signs are approved at this time. All signs shall be subject to approval by the Director of Planning.
5. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
6. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-06652) to the satisfaction of the Director of Public Works:
 - a. *Storm Drainage, Sewer Fees.* Storm drainage area fees, sanitary sewer connection fees and sewage treatment plant fees are due, less previous credits.
 - b. *Electroliers.* Installation of one electrolier on Horning Street is required.
 - c. *Asphalt.* Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

- d. *Minor Improvement Permit.* The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement may include privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
7. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
 - a. *Construction Plans.* This permit file number, CP 01-10-090, shall be printed on all construction plans submitted to the Building Division.
 - b. *Americans With Disabilities Act.* The applicant shall provide appropriate access as required by the Americans With Disabilities Act (ADA).
 - c. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
8. **Anti-Graffiti.** The applicant shall remove all graffiti from the screen wall surfaces within 48 hours of defacement.
9. **Students and Staff.** Not more than 100 students nor more than 13 staff are authorized by this Permit at the facility. Students are limited to developmentally disabled adults who are not eligible or capable of driving. The occupancy of the facility shall also conform with applicable requirements of the Building and Fire Code.
10. **Shuttle Vans.** During the life of the school, the school shall ensure the availability of privately funded vans or shuttles to provide for the transportation needs of all students to and from the school. Vans shall load/unload in the designated area only.
11. **Hours.** The school shall not operate between the hours of 12:00 midnight and 6:00 a.m. unless authorized by a subsequent Conditional Use Permit.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.

2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

c: Building Division (2)
Engineering Services
Russ Gamble, P.O. Box 482, Los Gatos, CA 95031